

Falkland Islands (Islas Malvinas)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Falkland Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Falkland Islands Employment of Children Ordinance prohibits the employment of children younger than age 16. It also is illegal to employ children of compulsory school age during school hours if the work may harm their health, safety or morals or if the work involves lifting, carrying or moving anything that may injure them.⁶⁴²¹ The Employment of Women, Young Persons and Children Ordinance makes it illegal to employ children in work that exposes them to physical, psychological or sexual abuse, work that is underground, underwater, at dangerous heights or in confined spaces, or work that requires the use of dangerous machinery, equipment or tools without training and supervision. Children younger than age 18, including those who have completed compulsory schooling, may not work at night in any industry.⁶⁴²²

The Falkland Islands Constitution Order 2008 prohibits slavery and forced labor.⁶⁴²³ Under the United Kingdom's Sexual Offenses Act 2003, children younger than age 13 are not legally capable of consenting to any form of sexual activity. The act also prohibits trafficking in persons for the purpose of sexual exploitation.⁶⁴²⁴ Purchasing a child for sexual services and causing, controlling, arranging or facilitating child prostitution or pornography are also illegal.⁶⁴²⁵

The Education Amendment Ordinance of 2008 makes education free and compulsory to age 16.⁶⁴²⁶

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴²¹ U.S. Embassy- London, *reporting, January 16, 2009*. See also UN Committee on the Rights of the Child, *Implementation of the Convention on the Rights of the Child- Overseas Territories and the Isle of Man; Response to the list of issues raised in connection with the consideration of the third and fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/4)*, United Nations, 2008, 18; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.Q4.Add.2.doc>.

⁶⁴²² U.S. Embassy- London, *reporting, January 16, 2009*.

⁶⁴²³ Government of the United Kingdom of Great Britain and Northern Ireland, *South Atlantic Territories: The Falkland Islands Constitution Order 2008*, (November 5, 2008), article 4; available from <http://www.falklands.gov.fk/assembly/documents/The%20Falkland%20Islands%20Constitution%20Order%202008.pdf>.

⁶⁴²⁴ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, (November 20, 2003), articles 5-9, 57-59; available from http://www.opsi.gov.uk/acts/acts2003/ukpga_20030042_en_1#Legislation-Preamble.

⁶⁴²⁵ *Ibid.*, articles 45, 47, 48-50.

⁶⁴²⁶ UN Committee on the Rights of the Child, *Implementation of the Convention on the Rights of the Child- Overseas Territories*, 19. See also Government of the Falkland Islands, *Education*, [online] [cited April 26, 2011]; available from <http://www.falklands.gov.fk/Education.html>.

Gibraltar

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Gibraltar are engaged in the worst forms of child labor.⁶⁴²⁷

Laws and Regulations on the Worst Forms of Child Labor

Gibraltar follows the child labor laws of the United Kingdom.⁶⁴²⁸ According to the British Child and Young Person's Act 1933, a child can start working part-time at age 14 and full-time at the end of the school year in which the child will be age 16.

Trafficking is prohibited by the Asylum and Immigration Act 2004.⁶⁴²⁹ The Sexual Offenses Act of 2003 protects children from prostitution, pornography and trafficking for sexual purposes.⁶⁴³⁰ The Coroners and Justice Act of 2009 prohibits slavery and forced and compulsory labor.⁶⁴³¹

Slavery and forced labor are prohibited under the Gibraltar Constitution Order 2006.⁶⁴³² Prostitution of girls and child pornography are illegal.⁶⁴³³ The prostitution of boys is not specifically prohibited under the law.

The recruitment age for the Royal Gibraltar Regiment is 16.⁶⁴³⁴ There is no evidence of comprehensive laws against trafficking in Gibraltar.

Education is compulsory to age 15. Primary education is free to all residents of Gibraltar.⁶⁴³⁵

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the continued prevention of the worst forms of child labor in Gibraltar:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.
- Raise the minimum age for military recruitment to 18.

⁶⁴²⁷ U.S. Embassy- London, *reporting*, February 22, 2010.

⁶⁴²⁸ U.S. Embassy- London, *reporting*, January 16, 2009.

⁶⁴²⁹ Government of the United Kingdom of Great Britain and Northern Ireland, *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*, (July 22, 2004), article 4; available from http://www.opsi.gov.uk/acts/acts2004/ukpga_20040019_en_1#pb1-1lg4.

⁶⁴³⁰ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, articles 5-15, 45-60, 72, *ibid*.

⁶⁴³¹ Government of the United Kingdom of Great Britain and Northern Ireland, *Coroners and Justice Act 2009*, (November 12, 2009), article 71; available from <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=coroners+and+justice&Year=2009&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3637639&ActiveTextDocId=3637640&filesize=1425>.

⁶⁴³² Government of Gibraltar, *The Gibraltar Constitution Order 2006*, (December 14, 2006), article 4; available from http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf.